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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | |
|------------------------|--|
| Attorney Docket No. | 4446D1 |
| First Inventor | Joe Y.L. Lam et al. |
| Title | NUCLEIC ACID LABELLED WITH EXTENDED RHODAMINE DYES |
| Express Mail Label No. | EL 416 207 410 US |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 95]
(preferred arrangement set forth below)
- Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets 0]
5. ☐ Oath or Declaration [Total Pages 3]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 17 completed)
- ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76.

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231**ACCOMPANYING APPLICATION PARTS**

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Copy (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
- c. ☐ Statement verifying identity of above copies.
9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Other: _____
- Other: _____

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09 / 325,243 filed June 3, 1999

Prior application information:

Examiner: R. CovingtonGroup Art Unit: 1625

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a reference is specifically made to the incorporated material.

18. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) **22896** or ☐ Correspondence address below

| | | | | | |
|---------|-----------|----------|--|--|--|
| Name | | | | | |
| Address | | | | | |
| City | State | Zip Code | | | |
| Country | Telephone | Fax | | | |

| | | | |
|-------------------|--------------------|-----------------------------------|--------------|
| Name (Print/Type) | Alex Andrus | Registration No. (Attorney/Agent) | 44,509 |
| Signature | <i>Alex Andrus</i> | Date | Feb. 8, 2001 |

Express Mail Number: EL 416 207 410 USDate of Deposit: Feb. 9, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box: Patent Application, Washington, D.C. 20231.

PATTI SELAN

(Print Name of Person Mailing Application)

Patti Selan

(Signature of Person Mailing Application)

Docket No. 4446D1

Transmittal of Continuation Patent Application For Filing Under 37 CFR 1.53(b)

PRIOR APPLICATION:

Examiner:

R. Covington

Art Unit: 1625

Assistant Commissioner for Patents
Box: Patent Application
Washington, D.C. 20231

1c996 U.S. PRO
09/780600
02/09/01

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09 / 325,243 filed June 3, 1999 by Joe Y.L. Lam, Scott C. Benson and Steven M. Menchen entitled

Nucleic Acids Labelled With External Rhodamine Dyes

1. Enclosed are:

- ☒ One stamped, self-addressed postcard for PTO datestamp.
- ☒ Certificate of Express Mail.
- ☒ One utility patent application containing text pages 1 - 95 and ☐ 0 sheets of ☐ formal ☐ informal drawings.
- ☒ Application Data Sheet.
- ☒ Copy of executed Declaration of Inventorship from parent application serial no. 09/325,243.
- ☐ Sequence Listing printout, Request to Use from prior application, and matching Declaration.
- ☒ A Preliminary Amendment.
- ☐ A new Power of Attorney.

2. Amendment

- ☒ Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- ☒ Please cancel original claims 1-45, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)
- ☐ Amend the specification by inserting before the first line the sentence: -- This application is a divisional / continuation of application serial no. _____ filed _____ which is a divisional / continuation of application serial no. _____ filed _____ . --

3. Extension of Time

- ☐ A petition for extension of time has been filed in the parent to extend the pendency of the parent to _____ (copy enclosed).
- ☒ Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing *if* required to establish copendency with the parent after all papers filed herewith have been considered.

09/02/01 09:02:00

4. Prior Documents Still in Effect

☒ This application and parent application Serial No. 09/325,246 and Serial No. 09/325,247 are assigned of record to The Perkin-Elmer Corporation.

☒ Power of attorney in the above-identified prior application is to Alex Andrus, Reg. No. 44,509, and the other attorneys or agents identified therein.

5. Fees

The filing fee is calculated below taking into account any amendments in section 2 above:

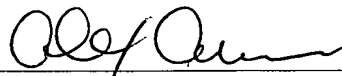
| FOR | NUMBER FILED | NUMBER EXTRA | RATE | FEE |
|--------------------|---|-----------------|--------|----------|
| TOTAL CLAIMS | 30 - 20 | 10 | X \$18 | \$180.00 |
| INDEPENDENT CLAIMS | 1 - 3 | 0 | X \$80 | \$0.00 |
| | BASIC FEE | | | \$710.00 |
| | Multiple Dependency Fee If Applicable \$270.00 | | | |
| | Total | | | \$890.00 |
| | 50% Reduction for Independent Inventor, Non-profit Organization or Small Business Concern | | | |
| | TOTAL FILING FEE | | | \$890.00 |

☒ The Commissioner is hereby authorized to charge the filing fee, any deficiency in fees under 37 CFR 1.16 and 1.17, or any other fees necessary for timely filing of this application, or credit any overpayment to Deposit Account No. 01-2213. A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$ _____ is enclosed.

☐ Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts. DO NOT CHARGE DEPOSIT ACCOUNT.

Respectfully submitted,



Alex Andrus, Reg. No. 44,509

Dated: Feb. 8, 2001

Correspondence Address:

Customer Number 22896
Applied Biosystems
Patent Department M/S 432-2
850 Lincoln Centre Drive
Foster City, California 94404
Telephone: 650-638-5607
Facsimile: 650-638-6677

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 890

Complete if Known

| | |
|----------------------|-----------------------------|
| Application Number | To be assigned |
| Filing Date | February 9, 2001 (herewith) |
| First Named Inventor | Joe Y.L. Lam et al. |
| Examiner Name | To be assigned |
| Group Art Unit | To be assigned |
| Attorney Docket No. | 44-100-01 |

BEST AVAILABLE COPY

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit
Account
Number
Deposit
Account
Name

01-2213

Applied Biosystems

- ☒ Charge any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:
☐ Check ☐ Credit card ☐ Money ☐ Other
Order

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|------------------------|----------|
| 101 | 710 | Utility filing fee | 710 |
| 106 | 320 | Design filing fee | |
| 107 | 490 | Plant filing fee | |
| 108 | 710 | Reissue filing fee | |
| 114 | 150 | Provisional filing fee | |

SUBTOTAL (1) (\$ 710

2. EXTRA CLAIM FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|--|----------|
| 103 | 18 | Claims in excess of 20 | 180 |
| 102 | 80 | Independent claims in excess of 3 | |
| 104 | 270 | Multiple dependent claim, if not paid | |
| 109 | 80 | ** Reissue independent claims over original patent | |
| 110 | 18 | ** Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$ 180

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid | | |
|---------------|---------------|-----------------|----------|--|--|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2520 | 147 | 2520 | For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1840* | 113 | 1840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1510 | 138 | 1510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$

SUBMITTED BY

Name (Print/Type) Alex Andrus

Registration No.
(Attorney/Agent)

44,509

Complete (if applicable)

Telephone

650-638-5607

Signature

Date

Feb. 8, 2001

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.